

**TELECONFERENCE
EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS,
HYDROLOGISTS AND SOIL SCIENTISTS
MINUTES
MADISON, WISCONSIN
MEETING
DECEMBER 12, 2000**

PRESENT: Tracy Benzel, Fred Birts, Roger Hall, David Mickelson, Jerry Tyler (until 10:56), Herb Garn, Robert Karnauskas and Pat McGuire

EXCUSED: Thomas Evans, Stephen Donohue, Wayne Lindgren and Joan Underwood

STAFF PRESENT: Alfred Hall, Jr. and Becky Fry; Wayne Austin, Legal Counsel, for a portion of the meeting

CALL TO ORDER

Patrick McGuire, Secretary, called the meeting to order at 9:20 a.m. A quorum of eight members was present.

ADOPTION OF AGENDA

MOTION: Fred Birts moved, seconded by Roger Hall, to approve the agenda, as published. Motion carried unanimously.

APPROVAL OF MINUTES (9/7/00)

MOTION: Fred Birts moved, seconded by Roger Hall, to approve the minutes, as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Marlene Cummings

Secretary Cummings had a scheduling conflict and was not available to address the Board.

Bureau Director's Report

• **Additional Information: Board Member Testifying As An Expert Witness**

Mr. Hall noted Mr. Jonathan Becker sent a follow-up letter, clarifying his previous letter dealing with a malpractice case, in which a Board (Section) member had been an expert witness for a case involving a practitioner regulated by the Board (Section). Mr. Becker recommended the Board (Section) member recuse himself/herself based on the members conflict of interest. The

Board member consider refraining from such testimony in the future to avoid such conflicts. Mr. Becker's follow-up letter emphasized acting as an expert witness for cases not regulated by the Board (Section) and apply to giving expert testimony for practitioners of other professions. Mr. Hall also indicated that specific cases would need to be judged on a case-by-case basis by contacting William Black, Legal Counsel; William Dusso, General Counsel; or the Ethics Board directly.

- **Board Roster**

The Board noted the current roster included in the agenda packet.

- **2001 Meeting Dates**

The Board noted the proposed 2001 meeting dates.

ADMINISTRATIVE RULES

Public Hearing re: CR 00-139 An Order To Create GHSS 1.07 Relating to a Rules Committee – 9:45 a.m.

A hearing was held regarding CR 00-139 – An order to create GHSS 1.07 relating to a Rules Committee.

There were no public appearances to present testimony or written comments regarding the rule.

The rules were originally published in October 2000 and the written comments were considered until November 13, 2000.

Clearing House Report to Agency

Mr. Hall reviewed the outline of procedures for the promulgation of administrative rules, specifically to create an Administrative Rules Committee.

The Board reviewed comments from the clearinghouse and discussed the process for selecting the rules committee members.

MOTION: Tracy Benzel moved, seconded by Herb Garn, to change the language of GHSS 1.07 (2) to read “the board chair shall confirm one professional member from each section and appoint 2 public members from any of the 3 sections of the board.” Motion carried unanimously.

MOTION: Tracy Benzel moved, seconded by Fred Birts, to disagree with the Clearinghouse comments 5 b and c. Motion carried unanimously.

Mr. Hall indicated that information would be forwarded to the Legislative Standing Committees for review and comment.

By consensus, the Board agreed to meet by teleconference at 8:30 a.m. on February 21, 2001, to adopt the administrative rules relating to the creation of a rules committee.

Delegation of Final Approval of Proposed Rule Draft Submission to Legislative Standing Committees

No action taken.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

Request to Consider Exemption of Professions Whose Practices Are Included Within the Scope of Practice of Professional Geologists, Hydrologists or Soil Scientists, Representative Duff

The Board reviewed concerns received from Representative Marc Duff and discussed the scope of practice of Professional Geologists, Hydrologists and Soil Scientists with regard to incidental practice.

The Board will refer this matter to the Rules Committee for consideration of the appropriate means to address the incidental practice of Professional Geology, Hydrology and Soil Science.

MOTION: Herb Garn moved, seconded by Fred Birts, to request Mr. Hall to draft a letter in response to Representative Duff, for final approval by the Joint Board Chair. Motion carried unanimously.

NEW BUSINESS

NR 712 And Registration (Licensure) as a Professional Geologist

Noted.

SUCH OTHER ITEMS AS AUTHORIZED BY LAW

None.

ADJOURNMENT

MOTION: Tracy Benzel moved, seconded by David Mickelson, to adjourn the meeting at 10:59 a.m. Motion carried unanimously.